

HAMILTON COUNTY BOARD OF AVIATION COMMISSIONERS  
JULY 22, 2004

The Hamilton County Board of Aviation Commissioners met on Thursday, July 22, 2004 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. President Jacobi called the meeting to order.

Secretary Kim Rauch took Roll Call and a quorum was declared present of Larry Jacobi, Tim Tolson, Tom Kapostosy and Jon Ogle.

**Approval of Minutes**

Jon motioned to approve the June 24, 2004 minutes. Tom seconded. Motion carried unanimously.

**President's Report**

Larry J. stated the quarterly meeting of the Aviation Association of Indiana (AAI) was held at the Indianapolis Executive Airport (IEA) on July 15, 2004. The meeting was well attended and went very well. IEA has been asked to host a future meeting.

**Vice President's Report**

Tim stated members of the aviation board appeared before the Hamilton County Council on July 7, 2004. Tim thanked Tom, Jon, Kim, Dan and Carl for attending the meeting. Tim thanked Carl for preparing the summary that was presented to the council. Tim also thanked Mike Howard and Maria Muia for their help. The councilor's seemed satisfied with the report. Questions were raised regarding the advantages and disadvantages regarding creating an airport authority, about creating an airport zone in Hamilton County and protecting IEA from encroachment by residential development.

**Indianapolis Executive Airport Report**

Andrea Montgomery presented the second quarter income statement, balance sheet, general ledger and fuel report.

Fuel flowage income is at 87% of the year's projected income.

T-hangar rent is slightly down due to the loss of the Central Indiana Soaring Society and the general condition of the T-hangars. Montgomery Aviation has paid for hauling and cleaning of two more dumpsters of trash and bird controls have been installed in the T-hangars. Projected income is down 8%. Construction of new T-hangars would bring the income up.

Ramp parking fees are at 80% of the projected year totals.

Income projections for 2005, based on Montgomery's budget, are conservative. Repairs have come up that the Board has asked Montgomery Aviation to pay out of the operating account and we feel that conservatively estimating income is better. All other income is fine and the house land lease should come in to play within the 3<sup>rd</sup> quarter.

Expenses – this is first completed year. General ledger accounts are being created to more accurately reflect expenses. Expenses are at 67% of the year end projections.

Montgomery Aviation provides equipment, maintenance and manpower for mowing over 270 acres of grass as well as all of the plowing.

The 2<sup>nd</sup> Quarter payment in the amount of \$10,000 has been given to Kim Rauch.

### ILS

Dan Montgomery stated the ILS is up and running. The total bill was \$13,015 and was submitted to insurance. \$1,000 deductible is owed. The power supplies are being rebuilt for spare parts.

### Reel Lights

Dan stated the reel lights are falling apart. Michiana has tried to repair the lights, every component they try to test falls apart. The lights have been pulled out of the system. Dan requested approval to take the lights to the manufacturer in Columbus, Ohio for an evaluation and repair estimate. Larry Creakbaum stated the lights were installed in 1987 and have a lifespan of 10 years and then they become eligible for replacement under an AIP. The Board agreed to have Dan take the lights to Ohio.

### Fence

Dan presented an estimate for a new gate for the new driveway of \$8,845 from Professional Garage Doors. For security reasons the gate will have to be installed.

### Zoning

Dan stated the Boone County Area Plan Commission will meet on August 4, 2004 at 7:00 p.m. for the IEA's airport zoning application.

### Indianapolis Water Company

Dan stated the Indianapolis Water Company has requested permission to install a 2 million-gallon water tower at the airport. Larry C. stated after discussions with the water company the tower will be placed in Eagletown. These are preliminary discussions. Easements will be needed from the airport to bury the water line. Underground work will start this Fall and the tower will be built next Spring. Dan stated he told the water company they will need approval from the Board, but he has asked for water hydrants to be placed every 500' across the airport. Dan also asked for them to come to the next Board meeting to discuss their plans. Larry C. stated this makes it imperative that we get the Bailey land completed. Mike H. stated he will get in touch with the appraiser.

### **New Business**

Andrea stated Montgomery Aviation, as the FBO chairperson for AAI, has sponsored the Poker Run for Riley Children's Hospital. AAI has decided to not align itself with the Indianapolis Air Show in the future and we are looking for another statewide charity to support. If the Board has thoughts or suggestions for a charity, please let her know.

Andrea stated she and Dan have been meeting with their builders regarding T-hangars as well as an additional building. Final drafts are not completed. Once the zoning classification is approved, dirt will be moved immediately.

Andrea stated the house is underway. They would like to have a customer appreciation and goodbye to the old FBO building on August 27<sup>th</sup> or 28<sup>th</sup>. Andrea invited the Board to attend.

### **Mid-States Engineering Report**

Maria presented a State and Federal pay request that is set to finalize the AIP-08 Grant, inherited from Ray VanSickle. This is for the AWOS. This covers Mid-States invoice of \$1,379.50 and two invoices from Michiana in the amount of \$6,211.80 and \$10,682.50. She will ask Gary Regan if he could include the reel lights in this AIP. Tom motioned to approve the state and federal pay requests. Jon seconded. Motion carried unanimously.

### **Policy Statement**

Jon stated it has been brought to his attention that the Board has never published a policy or mission statement as to what it is the Board is expected to do. Mike asked the Board and Montgomery's to bring bullet points for the statement for discussion at the next meeting. Tom

volunteered to draft the statement. Andrea asked that the statement include the runway being taken to 7,000'.

#### Boone County Area Plan Commission

Tim stated after attending the last Boone County Plan Commission meeting he is concerned if we should be pro-active on a stand on the Abbitt Farms issue. Tim suggested hiring Mid-States Engineering to provide aviation expertise for the Boone County APC. Larry J. asked if it is time to send a letter to Boone County stating they need to look at a protected area? Mike stated there are certain areas where there is a question if Boone County has the authority to regulate land use. While the statute is not expressed on a Board of Aviation Commissioner or an Airport Authority having the authority to be exempt from local zoning on their own property it gives them the exclusive right to determine that they are going to acquire air rights around the surrounding property and to limit use. It is compensable. It would probably be a good time to condemn those air rights as soon as possible because if the highest and best use of the surrounding land is agricultural, the taking of an air easement has no value. As we have seen in Hamilton County as development moves northward then land acquires a value of an existing use as farm ground plus a component that some day it will become development land. We do have some protection with the tall structures act and noise disclosure statutes, which Abbitt Farms will be complying with. We do not need Boone County to establish that zone, we have the statutory authority to do it ourselves. When Boone County does it, the statute that says those interests are compensable, is clearly on point. Mike stated he agrees with Tim, but we don't have to even go to court to get the easement, but there is a legal process for compensating the landowner for the value of that air easement. If we need to go there, the county council may decide to give us a budget every year to take access rights.

Tim stated one of the comments made by a plan commission member was if a school system sent their consultant to meet with the FAA and they had no problems locating a school at the end of the runway, why should there be any concerns of a residential development going at the end of the runway. Carl stated a school did go to the FAA and did explain they could put a school there, but they recommended some additional soundproofing, the building could not be over 80', etc. It was approval with certain construction conditions to limit the sound. Tim stated that was his concern, that there was no one there to address that issue. Carl stated since we have not weighed in on the Abbit Farms issue, that has been taken as an approval. Mike stated he will request, in writing, where they are on their disclosure and commitments on the airport.

Andrea stated the APC has given Abbitt Farms the green light, the Commissioners have not, due to the airport rezone.

Rick McKinney stated the county council appreciated Tim coming to the meeting and the work that Carl, Andrea and Mike put in to the document presented to the council. The council has a retreat scheduled August 10<sup>th</sup> with the commissioners. He is trying to get the airport on the agenda. Rick asked for clarification of finances, the AIP money is supposed to come back to help pay for what the council has advanced for the purchase of the airport? Mike stated one of the things that slowed the acquisition was when we had the initial proposal by Ray's people to the Board, they explained that 95% of the funds were eligible for reimbursement. Following our meeting with the FAA, being eligible for reimbursement and having any place in that line are two different situations. It was made very clear that we don't know if we get any money until we receive it. While 95% of the \$4.6 million is eligible for reimbursement, being eligible and competing with other airports for that funding, it could be quite some time. We have paid \$300,000 on our note, which has a balloon payment due in five years of \$1.5 million to Ray VanSickle. Then there is the next \$3 million to be reimbursed to the council. Reimbursement is not a high priority to the FAA. Safety and security are the highest priorities. Rick stated the money coming from operations he does not feel, and believes the council will support, that we are not looking for small payments, we would rather you use it to help expand the runway, buy the air rights, keep the airport at an upper level and not worry about the re-payment. Mike stated once we get the zoning in place, then we will find out where the people who have expressed an interest

in leasing and building hangars are. When that comes on line we will have a better idea of where we will be on fuel flow and what we can do with it. The next round of grants we need to get rid of some of the T-hangars, clean up the fuel farm, etc. Until we get zoning, we are standing still. Larry J. stated as we get bigger we will bring in more money but operation costs will be going up.

### **Legal Counsel Report:**

#### Zoning

Mike stated he filed the zoning application as soon as he could and certified notices were sent to surrounding homeowners. The Technical Advisory Committee met last week. Mike provided the Board with the additional comments that will be submitted with the application.

#### Airport Authority

Mike stated questions were asked regarding the advantages of an Airport Authority verses Aviation Commissioners and whether or not we had to go through the zoning. Mike stated he has proofed the language of the powers of the authority and the commission and other than the taxing powers, the powers of an Aviation Commission and Airport Authority are verbatim.

#### Airport Overlay Zone

Tom stated at the council meeting a question was raised if there was an airport overlay zone in Hamilton County and what can we do to make that happen? Mike stated Hamilton County has 9 separate planning jurisdictions. The Hamilton County Plan Commission has put the tall structures act in their zoning ordinance.

### **Other Business**

#### Grant Acceptance

Kim requested acceptance and signatures on an INDOT Grant Award in the amount of \$3,947.37 which is the state match for the \$150,000 FAA Grant for land acquisition. Tim motioned to approve. Jon seconded. Motion carried unanimously.

#### Resignation

Larry J. submitted his resignation from the Hamilton County Board of Aviation Commissioners effective July 31, 2004.

**Next Meeting** – August 5, 2004 at 6:30 p.m.

Tim motioned to adjourn the meeting. Tom seconded. Motion carried unanimously

#### **Present**

Larry Jacobi  
Tom Kapostasy  
Jon Ogle  
Tim Tolson  
Mike Howard  
Rick McKinney  
Maria Muia  
Larry Creakbaum  
Dan and Andrea Montgomery  
Carl Winkler  
Matt Evans  
Susan Post  
Kim Rauch

#### **APPROVED**

\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Kim Rauch, Secretary

Date \_\_\_\_\_